

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**ROBERT SCHNAUTZ,**

**Plaintiff,**

**v.**

**STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY,**

**Defendant.**

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**CIVIL ACTION NO. 1:21-cv-822**

**NOTICE OF REMOVAL OF ACTION  
UNDER 28 U.S.C. § 1441(b) (DIVERSITY)**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Defendant State Farm Mutual Automobile Insurance Company (“Defendant”) and hereby petitions this Court pursuant to 28 U.S.C. §§ 1332, 1441(b), and 1446 for removal, on the basis of diversity of citizenship jurisdiction, to the United States District Court for the Western District of Texas, Austin Division, of the action numbered and styled Cause No. C-1-CV-21-003862; *Robert Schnautz v. State Farm Mutual Automobile Insurance Company*, in the County Court at Law No. 2, Travis County, Texas (the “State Court case”), and in support thereof would respectfully show this Court as follows:

**I. FACTS**

1. Plaintiff filed his Original Petition (“Petition”) in the Travis County Court at Law Court case on August 17, 2021. A true and correct copy of the Original Petition is attached hereto as part of Exhibit A. Defendant filed its Original Answer on September 13, 2021. Exhibit A. In his Original Petition, Plaintiff has asserted claims for underinsured motorists benefits and declaratory relief. Exhibit A.

2. Plaintiff served Defendant through its registered agent with citation and a copy of

his Petition in the State Court case on August 23, 2021. This Notice of Removal is filed within thirty (30) days of service of the Petition, in compliance with 28 U.S.C. § 1446(b).

3. Plaintiff is a citizens and resident of the State of Texas.

4. Defendant State Farm Mutual Automobile Insurance Company, a mutual insurance company with no shareholders, and is a citizen of Illinois.

## **II. AMOUNT IN CONTROVERSY**

5. Plaintiff is seeking damages of \$200,000.00. *See* Exhibit A, paragraph II, wherein Plaintiff alleges monetary relief of \$200,000.00.

## **III. COMPLETE DIVERSITY EXISTS**

7. This action is a civil action which may be removed to this Court by Defendant pursuant to the provisions of 28 U.S.C. §§ 1441(b)(2) and 1332(a) in that it is between citizens of different states and it is a civil action wherein the matter in controversy exceeds the sum of \$75,000.00, exclusive of interests and costs.

## **IV. PROCEDURAL REQUIREMENTS**

8. By virtue of filing this Notice of Removal, Defendant does not waive its right to assert any motions to dismiss, including Rule 12 motions permitted by the Federal Rules of Civil Procedure.

9. All of the papers on file in the State Court case at the time of removal are attached hereto as Exhibit A. Those papers include the citation, Plaintiff's Original Petition, and all answers on file.

10. Pursuant to 28 U.S.C. § 1446(d), written notice of filing of this Notice will be given to all adverse parties promptly after the filing of this Notice.

11. Pursuant to 28 U.S.C. § 1446(d), a true and correct copy of this Notice will be filed

with the Travis County Clerk, Travis County, Texas promptly after the filing of this Notice.

WHEREFORE, PREMISES CONSIDERED, Defendant State Farm Mutual Automobile Insurance Company requests that this action be removed from the County Court at Law No. 2, Travis County, Texas to the United States District Court for the Western District of Texas, Austin Division, and that this Court enter such further orders as may be necessary and appropriate.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT  
STATE FARM MUTUAL AUTOMOBILE  
INSURANCE COMPANY

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document has been forwarded by certified mail, return receipt requested, on the 16th day of September 2021 to the following counsel of record:

Anselmo Aguirre  
Chris Jackson Law Firm  
1812 Centre Creek Drive  
Suite 275  
Austin, Texas 78754

/s/ R. Ashley Applewhite  
R. Ashley Applewhite